

REMARKS

Claims 3, 4, 6-11 and 13-16 are all the claims pending in the application. Claims 3, 4, 6, 8-11 and 13-16 presently stand rejected. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Examiner has approved the formal drawing correction filed June 4, 2003. However, the Examiner has not indicated whether the drawings filed on April 23, 2001, are acceptable. Therefore, Applicant respectfully requests the Examiner to indicate whether the drawings are acceptable in the next Office Action.

Claims 6, 10, 11 and 13-16 are rejected under 35 U.S.C. § 112, second paragraph.

A. Claim 6

Due to the amendment of claim 3 in the June 4, 2003, Amendment, the Examiner has rejected claim 6 under 35 U.S.C. § 112, second paragraph, since claim 6 “appears to create a new embodiment”, rather than further limit claim 3. A non-limiting embodiment on which claim 6 is readable, is disclosed on page 20 of the specification. Accordingly, Applicant has rewritten claim 6 into independent form, based on original claim 3. Applicant submits that the proposed amendment to claim 6 overcomes the 35 U.S.C. § 112, second paragraph rejection.

In addition, since the Examiner has not rejected claim 6 over prior art, Applicant assumes that claim 6 contains allowable subject matter. Accordingly, Applicant respectfully requests that

the Examiner indicate whether claim 6 contains allowable subject matter in the next Office Action.

B. Claims 10-11 and 13-16

The Examiner maintains that it is not clear from the language of claims 10-11 and 13-16 as to how the first metered portion and the second metered portion are further limited. Further, the Examiner maintains that the claims hint at a pressure comparison, but are silent as to a pressure in the second metered portion. Therefore, the Examiner has rejected claims 10-11 and 13-16 under 35 U.S.C. §112, second paragraph.

Applicant submits that no further amendments are necessary to claims 10-11 and 13-16. For example, the claims define three portions of the screw/screw cylinder (i.e. first metered portion, second metered portion, low-pressure portion), as well as the positional relationship of each portion. Contrary to the Examiner's assertion, there is no "hint" of a pressure comparison in the claims. Rather, the claims just further define the pressure injected into the low-pressure portion. In addition, further amendments to the first and second metered portions would unduly narrow the claim scope. As stated in MPEP § 2173.04, breadth of a claim is not to be equated with indefiniteness. Therefore, Applicant submits that no further amendments are necessary.

Claims 10-11 and 13-16 were further rejected under 35 U.S.C. § 112, second paragraph, since it is unclear what "that order" refers to. Accordingly, Applicant has made minor

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amendments to claims 10-11 and 13-16 for clarification purposes. Such amendments do not narrow the scope of the claims.

Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xu (6,322,347) in view of Fujita et al. (4,615,669).

A. Claim 3

Applicant has incorporated the allowable subject matter of claim 7 into claim 3. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 3. In light of the amendment, Applicant has canceled claim 14, since such claim would duplicate claim 10.

B. Claim 4

Since claim 4 is dependent upon claim 3, Applicant submits that such claim is patentable at least by virtue of its dependency.

C. Claim 8

Applicant submits that claim 8 is patentable over the cited references. For example, claim 8 recites that when the screw is driven in the direction of plasticization, the screw is intermittently driven in the opposite direction of plasticization.

The Examiner maintains that Xu suggests the above features. However, during operation, screw 38 of Xu only rotates in a downstream direction (i.e. direction of plasticization) (col. 13, lines 15-16). For example, at the beginning of an injection cycle, screw 38 is located at an accumulation position (Fig. 1; col. 7, lines 25-27). Screw 38 then moves downstream to an injection position (Fig. 3; col. 7, lines 29-32). The only time Xu discloses that screw 38 moves in an upstream direction (i.e. direction opposite of plasticization), is when screw 38 returns to the accumulation position after injection (col. 7, lines 32-34). Therefore, Applicant submits that Xu fails to teach or suggest driving screw 38 in a downstream and upstream direction intermittently.

Accordingly, Applicant submits that claim 8 is patentable over the cited references.

D. Claim 9

Since claim 9 is dependent upon claim 3, Applicant submits that claim 9 is patentable at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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